

AN ACT

To repeal section 453.121, RSMo, and to enact
in lieu thereof one new section relating to
adoption records.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Section 453.121, RSMo, is repealed and one new
section enacted in lieu thereof, to be known as section 453.121,
to read as follows:

453.121. 1. As used in this section, unless the context
clearly indicates otherwise, the following terms mean:

(1) "Adopted adult", any adopted person who is twenty-one
years of age or over;

(2) "Adopted child", any adopted person who is less than
twenty-one years of age;

(3) "Adult sibling", any brother or sister of the whole or
half blood who is twenty-one years of age or over;

(4) "Identifying information", information which includes
the name, date of birth, place of birth and last known address of
the biological parent;

(5) "Nonidentifying information", information concerning
the physical description, nationality, religious background and
medical history of the biological parent or sibling.

2. All papers, records, and information pertaining to an
adoption whether part of any permanent record or file may be

disclosed only in accordance with this section.

3. Nonidentifying information, if known, concerning undisclosed biological parents or siblings shall be furnished by the child-placing agency or the juvenile court to the adoptive parents, legal guardians or adopted adult upon written request therefor.

4. An adopted adult may make a written request to the circuit court having original jurisdiction of such adoption to secure and disclose information identifying the adopted adult's biological parents. The court shall, within ten days of receipt of the request, notify in writing the adoptive parents of such petitioner and the child-placing agency or juvenile court personnel having access to the information requested of the request by the adopted adult.

5. Within three months after receiving notice of the request of the adopted adult, the child-placing agency or juvenile court personnel shall notify the adoptive parents, if such adoptive parents are living and shall not make any attempt to notify the biological parents without prior written consent of such adoptive parents for adoptions instituted or completed prior to August 13, 1986, but may proceed if there is proof that the adoptive parents are deceased or incapacitated, as such term is defined in chapter 475, RSMo. If the adoptive parents are living but are unwilling to give such written consent, the child-placing agency or the juvenile court personnel shall make a written

report to the court stating that they were unable to notify the biological parent. If the adoptive parents are deceased or give written consent, the child-placing agency or the juvenile court personnel shall make reasonable efforts to notify the biological parents of the request of the adopted adult. The child-placing agency or juvenile court personnel may charge actual costs to the adopted adult for the cost of making such search. All communications under this subsection are confidential. For purposes of this subsection, "notify" means a personal and confidential contact with the biological parent of the adopted adult, which initial contact shall not be made by mail and shall be made by an employee of the child-placing agency which processed the adoption, juvenile court personnel or some other licensed child-placing agency designated by the child-placing agency or juvenile court. Nothing in this section shall be construed to permit the disclosure of communications privileged pursuant to section 491.060, RSMo. At the end of three months, the child-placing agency or juvenile court personnel shall file a report with the court stating that each biological parent that was located was given the following information:

- (1) The nature of the identifying information to which the agency has access;
- (2) The nature of any nonidentifying information requested;
- (3) The date of the request of the adopted adult;
- (4) The right of the biological parent to file an affidavit

with the court stating that the identifying information should be disclosed;

(5) The effect of a failure of the biological parent to file an affidavit stating that the identifying information should be disclosed.

6. If the child-placing agency or juvenile court personnel reports to the court that it has been unable to notify the biological parent within three months, the identifying information shall not be disclosed to the adopted adult. Additional requests for the same or substantially the same information may not be made to the court within one year from the end of the three-month period during which the attempted notification was made, unless good cause is shown and leave of court is granted.

7. If, within three months, the child-placing agency or juvenile court personnel reports to the court that it has notified the biological parent pursuant to subsection 5 of this section, the court shall receive the identifying information from the child-placing agency. If an affidavit duly executed by a biological parent authorizing the release of information is filed with the court, the court shall disclose the identifying information as to that biological parent to the adopted adult, provided that the other biological parent either:

(1) Is unknown;

(2) Is known but cannot be found and notified pursuant to

section 5 of this act;

(3) Is deceased; or

(4) Has filed with the court an affidavit authorizing release of identifying information. If the biological parent fails or refuses to file an affidavit with the court authorizing the release of identifying information, then the identifying information shall not be released to the adopted adult. No additional request for the same or substantially the same information may be made within three years of the time the biological parent fails or refuses to file an affidavit authorizing the release of identifying information.

8. If the biological parent is deceased but previously had filed an affidavit with the court stating that identifying information shall be disclosed, the information shall be forwarded to and released by the court to the adopted adult. If the biological parent is deceased and, at any time prior to his death, the biological parent did not file an affidavit with the court stating that the identifying information shall be disclosed, the adopted adult may petition the court for an order releasing the identifying information. The court shall grant the petition upon a finding that disclosure of the information is necessary for health-related purposes.

9. Any adopted adult whose adoption was finalized in this state or whose biological parents had their parental rights terminated in this state may request the court to secure and

disclose identifying information concerning an adult sibling [and upon a finding by the court that such information is necessary for urgent health-related purposes in the same manner as provided in this section]. Identifying information pertaining exclusively to the adult sibling, whether part of the permanent record of a file in the court or in an agency, shall be released only upon consent of that adult sibling.

10. The central office of the division of family services of the department of social services shall maintain a registry by which biological parents, adult siblings, and adoptive adults may indicate their desire to be contacted by each other. The division may request such identification for the registry as a party may possess to assure positive identifications. If the division believes that a match has occurred on the registry between both biological parents and an adopted adult, an employee of the division shall make the confidential contact provided in subsection 5 of this section with the biological parents and with the adopted adult. If the division believes that a match has occurred on the registry between one biological parent and an adopted adult, an employee of the division shall make the confidential contact provided by subsection 5 of this section with the biological parent. The division shall then attempt to make such confidential contact with the other biological parent, and shall proceed thereafter to make such confidential contact with the adopted adult only if the division determines that the

other biological parent meets one of the conditions specified in subsection 7 of this section. If the division believes that a match has occurred on the registry between an adult sibling and an adopted adult, an employee of the division shall make the confidential contact with the adult sibling. The biological parent, adult sibling, or adopted adult may refuse to go forward with any further contact between the parties when contacted by the division.

11. The provisions of this section, except as provided in subsection 5 of this section governing the release of identifying and nonidentifying adoptive information apply to adoptions completed before and after August 13, 1986.